

NO. CL-14-0106-F

ROBERTO VELA § IN THE COUNTY COURT  
 Plaintiff §  
 §  
 v. § AT LAW NO. \_\_\_\_\_  
 §  
 §  
 STEVEN RICCI AND §  
 CELADON TRUCKING SERVICES §  
 Defendants § OF HIDALGO COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, REQUESTS FOR DISCLOSURE,  
 REQUESTS FOR ADMISSION, PRODUCTION OF DOCUMENTS AND  
 INTERROGATORIES**

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES ROBERTO VELA, hereinafter called Plaintiff, and complains of STEVEN RICCI AND CELADON TRUCKING SERVICES, Defendants, and for cause of action would respectfully show the Court as follows:

**1. DISCOVERY CONTROL PLAN AND REQUEST FOR DISCLOSURE**

1.1 Damages sought in this case exceed the minimal jurisdictional limits of this court, and Plaintiffs requests TRCP 190.3 Discovery Control Plan Level II treatment of all subsequent pleadings and discovery.

1.2 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within 30 days of service of this request or under **Rule 194.3(a) 50 days after the service of this Petition, the information or material described in Rule 194.2.**

**2. PARTIES**

2.1 Plaintiff ROBERTO VELA, is an individual who resides in MISSION, TEXAS.

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2.2 Defendant, STEVEN RICCI is an individual who resides in AGAWAM, HAMPDEN COUNTY, MASSACHUSETTS and may be served with process at through the Chair of the Texas Transportation Commission located at the following:

**STEVEN RICCI  
AGENT OF SERVICE:  
TED HOUGHTON, CHAIRMAN  
TEXAS TRANSPORTATION COMMISSION  
125 E. 11TH STREET  
AUSTIN, TEXAS 78701-2483**

2.3 Defendant, CELADON TRUCKING SERVICE is a corporation doing business in the state of TEXAS and who may be served with process through there registered agent located at the following:

**NATIONAL CORPORATE RESEARCH LTD.  
800 BRAZOS, STE. 400  
AUSTIN, TEXAS 78701**

### **3. FACTS**

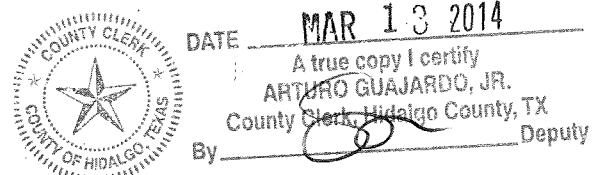
3.1 On or about JANUARY 16, 2012, Plaintiff, ROBERTO VELA was TRAVELING WESTBOUND ON EAST EXPRESSWAY 83 IN SAN JUAN, HIDALGO COUNTY TEXAS.

3.2 Defendant, STEVEN RICCI, was OPERATING AN INTERNATIONAL FREIGHT LINER TRAVELING BEHIND PLAINTIFF. DEFENDANT FAILED TO CONTROL SPEED AND REAR ENDED PLAINTIFF CAUSING DAMAGES.

3.3 Defendant, STEVEN RICCI WAS WORKING FOR AND/ OR WAS AN AGENT OF CELADON TRUCKING SERVICE AT THE TIME OF THE ACCIDENT.

3.4 Plaintiff has suffered physical injuries and has incurred reasonable and necessary medical costs because of Defendants, STEVEN RICCI'S AND CELADON TRUCKING SERVICE'S negligence.

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## 4. VENUE

4.1 This suit is brought in accordance with the laws of the State of Texas for the recovery of damages which are in excess of the minimal jurisdictional limits of this Court, to which Plaintiff is entitled to receive as compensation for the injuries described below.

4.2 The automobile collision occurred and the cause of action arose in HIDALGO COUNTY, TEXAS.

4.3 Defendants committed a tort in the State of Texas, thus submitting themselves to the jurisdiction of Texas.

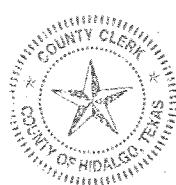
4.4 Accordingly the Court has jurisdiction over this matter and Venue is proper in Hidalgo County, Texas.

**5. CAUSE OF ACTION AGAINST  
DEFENDANT STEVEN RICCI**

5.1 Plaintiff, alleges that, Defendants, STEVEN RICCI, is negligent and that Defendant's negligence proximately caused the incident wherein Plaintiff sustained personal injuries. Plaintiff's damages are in excess of the court's minimum jurisdictional limits.

5.2 Defendant was negligent as follows:

- a. In failing to keep a proper lookout;
- b. In driving the motor vehicle at an excessive rate of speed or traveling at a greater rate of speed than a person of ordinary prudence under the same or similar circumstances;
- c. In failing to properly and timely apply the brakes;
- d. In failing to turn, swerve or otherwise maneuver the vehicle in order to avoid the accident made the basis of this suit;



DATE  
By

MAR 13 2014

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ARTURO GUAJARDO, JR.  
County Clerk, Hidalgo County, TX  
Deputy

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- e. In failing to maintain proper control of the vehicle;
- g. In failing to pay attention when operating a motor vehicle on our state's public highways;
- h. In failing to control the speed of the vehicle;
- i. Failure to keep vehicle under control.
- j. Failure to use vehicles horn (or lights, etc.) to warn the other driver.
- k. Failure to yield the right-of-way
- l. Failure to keep his vehicle maintained safely for driving on Texas Highways.

#### **6. VICARIOUS LIABILITY**

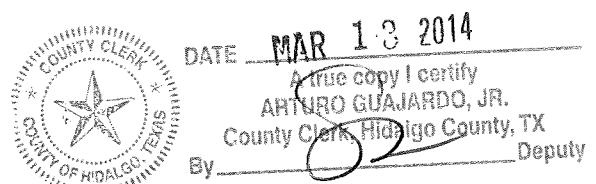
8.1 On or about JANUARY 16, 2012, Defendant STEVEN RICCI was acting in the course and scope of their employment and/or an agent or servant for and on behalf of Defendant CELADON TRUCKING SERVICES. Accordingly, CELADON TRUCKING SERVICES is liable for Defendant STEVEN RICCI'S actions and Plaintiff's damages under the theory of vicarious liability.

#### **7. PERSONAL INJURIES**

7.1 Plaintiff alleges that as a direct and proximate result of the negligent conduct of the Defendants, he has suffered and is suffering from severe bodily injuries.

7.2 In connection with such injuries, Plaintiff has suffered severe physical pain and mental anguish in the past and are suffering severe physical pain and mental anguish in the present, and in all reasonable probability will continue to suffer for the rest of his life.

7.3 Plaintiff has necessarily incurred reasonable medical expenses in the past in the proper diagnosis, care and treatment of his injuries. The injuries are such that, in



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reasonable probability, they will necessarily continue to incur reasonable medical expenses in the future for the proper care and treatment of his injuries.

7.4 In connection with such injuries, Plaintiff has suffered physical impairment.

7.5 In connection with such injuries, Plaintiff has suffered disfigurement.

7.6 In connection with such injuries, Plaintiff has suffered loss of past earning capacity and loss of future earning capacity.

7.7 In connection with such injuries, Plaintiff has suffered loss of consortium.

7.8 In connection with such injuries, Plaintiffs has suffered loss of household services.

7.9 Plaintiff would further show that his damages greatly exceed the minimal jurisdiction of this court.

7.5 The damages in the case are unliquidated. Plaintiff asks for damages for past and future medical expenses which are ongoing and unknown at this time. Additionally, Plaintiff asks for amount within the reasoned judgment of the members of the jury over \$200,000.00 up to \$750,000.00.

#### PRAYER

Plaintiff, prays that Defendants be duly cited to appear and answer herein and that upon final trial hereof; Plaintiff, has judgment against Defendants, for the full amount of their damages actual, with interest thereon at the maximum legal rate, both pre-judgment and post judgment, that Plaintiff has and recover costs of Court against the said Defendants and that Plaintiff has and receive such other relief, general and specific, both at law and in equity, to which Plaintiff may be justly entitled to. Plaintiff requests a jury trial.

Respectfully Submitted,

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DATE  
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ARTURO GUAJARDO, JR.  
County Clerk, Hidalgo County, TX  
By \_\_\_\_\_ Deputy

Accepted by: Venette Castillo

Electronically Submitted  
1/7/2014 3:13:28 PM  
Hidalgo County Clerks Office

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Tamez & Ortegon, PLLC  
1009 W. Expressway 83  
Pharr, Texas 78577  
956-630-0885- Phone  
956-683-0485- Fax



By: \_\_\_\_\_

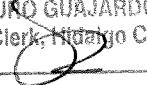
Chris Tamez  
State Bar No. 24033256  
Attorney for Plaintiff

*Plaintiffs Original Petition*  
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DATE

MAR 13 2014

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ARTURO GUAJARDO, JR.  
County Clerk, Hidalgo County, TX  
By  Deputy

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**PLAINTIFFS REQUEST FOR ADMISSIONS  
AND PRODUCTION OF DOCUMENTS TO DEFENDANT**

Please be advised that PLAINTIFF "Movant", makes the following discovery requests upon you pursuant to Texas Rules of Civil Procedure Numbers 196 and 198.

**1. REQUESTS FOR ADMISSIONS**

1. You are required to admit or deny the truth of each of the numbered requests set forth in the Requests for Admissions attached to this Request and serve your answers regarding the requests to the undersigned attorney's office within thirty (30) days from the date the above-identified party's attorney receives these pleadings.
2. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or easily obtainable by you is insufficient to enable you to admit or deny.
3. If you cannot answer a Request for Admission, you must state the reason why you are unable to admit or deny that Request for Admission.
4. If you do not admit the truth of the facts stated in the Request for Admissions, you must specifically set forth the reasons in detail why the request(s) cannot be truthfully admitted.
5. Each matter for which an admission is requested shall be admitted unless your sworn response is served upon the undersigned attorney's office during the specified thirty (30) day time period.
6. Any answer which does not comply with the above cited Texas Rules of Civil Procedure will be admitted against you or in the alternative a Motion for Sanctions may be filed requesting reimbursement for attorney fees and other sanctions for your failure to answer completely any request of law or fact contained in this Request.

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7. If you deny a request and Movant thereafter proves the truth of that matter, you may be ordered to pay the costs of proof, including attorney fees.

8. The attorney of record or the party upon whom these requests are directed should sign his or her Name to the answers and return the Requests for Admissions and Answers to the following Address: TAMEZ & ORTEGON, PLLC, 1009 E. EXPRESSWAY 83, PHARR, TEXAS 78577.

9. A true copy of these discovery requests is being served upon you as the party to be served in accordance with the provisions of Rule 21a.

## **2. ADMISSIONS AND PRODUCTION OF DOCUMENTS**

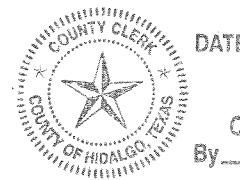
1. A list of instructions and definitions applicable to these discovery pleadings is attached to this Request as Exhibit "A".

2. The Requests for Admissions and Production of Documents which you are requested to produce and answer to the undersigned law offices are listed in Exhibit "B" to this Request.

3. Your answers to the Requests for Admissions and Production of Documents should be answered in the space immediately following the request. If additional space is required, please continue the answer on a separate sheet of paper.

4. Your answers should be signed by the party to whom they are directed. If the party is a public or private corporation, partnership or association, then the answer of the public or private corporation, partnership or association or trust should be signed by an officer or agent of the same and reflect his or her capacity in that organization.

5. You and your attorney are under a duty to supplement your answers to these discovery pleadings by amending your answers and serving a copy of the amended answers



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ARTURO GUAJARDO, JR.

County Clerk, Hidalgo County, TX

By

Deputy

Accepted by: Venette Castillo

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Hidalgo County Clerks Office

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on the undersigned counsel at the undersigned's Address not less than fourteen (14) days prior to the commencement of a summary judgment hearing or trial of this matter.

a. If you obtain information that may change or modify your answers or production, or if the same was incorrect, modified or changed due to supplemental information received by you, your attorney or other parties under your control must supplement the answers as specified above.

b. If you receive or know of additional documents which are included in the Request for Production of Documents but were not produced to the undersigned attorney, you are under a duty to produce those other discovery documents to the undersigned attorney within the above stated fourteen (14) day time deadline.

*Plaintiff's Original Petition*  
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MAR 13 2014

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ARTURO GUAJARDO, JR.  
County Clerk, Hidalgo County, TX  
By *[Signature]* Deputy

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CERTIFICATE OF SERVICE

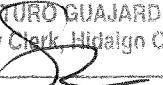
Pursuant to the Texas Rules of Civil Procedure, I have delivered copies of this document on the 6<sup>th</sup> DAY of January 2014, to all opposing counsel and/or parties in one or more of the following ways (as indicated):

- Certified Mail Return Receipt Requested
- Telephonic Document Transfer (Via Fax)
- Regular Mail
- Hand Delivery
- Federal Express or Overnight Delivery
- Served with Citation and Petition



CHRIS TAMEZ



MAR 13 2014  
DATE  
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ARJURO GUAJARDO, JR.  
County Clerk, Hidalgo County, TX  
By  Deputy